

KENT R. ROBISON, ESQ. (NSB # 1167)

[krobison@rssblaw.com](mailto:krobison@rssblaw.com)

BRETT W. PILLING, ESQ (NSB #15981)

[bpilling@rssblaw.com](mailto:bpilling@rssblaw.com)

**Robison, Sharp, Sullivan & Brust**

71 Washington Street

Reno, Nevada 89503

Telephone: (775) 329-3151

Facsimile: (775) 329-7169

*Attorneys for Bruce Seaver*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BRUCE L. SEAVER, as Heir of Teresa L.  
Seaver, Deceased and Special Administrator of  
the ESTATE OF TERESA L. SEAVER,

Plaintiff,

vs.

RCG-SPARKS, LLC, a Foreign limited liability  
company; KNIGHT SWEEPING, INC., a  
Domestic Corporation; and DOES I-X,  
inclusive,

Defendants.

**CASE NO.: 3:23-cv-00411-MMD-CSD**

**ORDER GRANTING STIPULATION AND  
ORDER TO REMAND MATTER TO  
STATE COURT**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff BRUCE L.  
SEEVER (“Plaintiff”), by and through his counsel of record, Defendant RCG-SPARKS, LLC  
(“RCG”), by and through its counsel of record, and Defendant KNIGHT SWEEPING, INC. (“KS”),  
by and through its counsel of record, that this matter (Case No. 3:23-cv-00411-MMD-CSD) be  
remanded back to the Second Judicial District Court of the State of Nevada in and for the County  
of Washoe (Case No. CV22-01739) for adjudication based on the following reasons.

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### REASONS FOR REMAND

1           1.       This matter was removed to Federal Court on March 8, 2023 due to the Federal Court  
2 having subject matter jurisdiction as set forth in 28 U.S.C. § 1332. *See* ECF No. 1, p. 3.

3           2.       At the time of removal, there was complete diversity between the Plaintiff and then  
4 existing Defendant DOLLAR TREE STORES, INC. (“DTS”). *Id.* at pp. 3:24-4:19. DTS was a  
5 Virginia based corporation. *Id.* at p. 4:23-25.

6           3.       Plaintiff was, and is, a resident of the State of Nevada. *Id.* at p. 4:22.

7           4.       Since the removal, RCG has been added as a Defendant. *See* ECF Nos. 18. RCG is  
8 a Georgia limited liability company. *Id.*

9           5.       DTS has been dismissed from the action. *See* ECF No. 56. In the same order, the  
10 Court allowed Plaintiff to file its Second Amended Complaint which named KS as a defendant. *Id.*

11           6.       KS filed its answer on January 22, 2025. *See* ECF No. 61. KS admitted that is was  
12 a “Nevada domestic corporation, organized and existing under the laws of the State of Nevada.” *Id.*  
13 at ¶ 2 (admitting paragraph 4 in the Second Amended Complaint); *see also* ECF No. 57, ¶ 4 (stating  
14 KS is a registered Nevada domestic corporation).

15           7.       KS further confirmed its Nevada residency in its Certificate of Interested Parties. *See*  
16 ECF No. 62.

17           8.       28 U.S.C. § 1332 provides, in pertinent part, that the “district Courts shall have  
18 original jurisdiction of all civil actions where the matter . . . is between . . . ***citizens of different***  
19 ***states.***” 28 U.S.C. § 1332(a)(1) (emphasis added).

20           9.       For the purpose of diversity of citizenship jurisdiction, a corporation shall be deemed  
21 to be a citizen of any state in which it has been incorporated and of the state where it has its principal  
22 place of business. 28 U.S.C. § 1332(c)(1). A corporation’s “principal place of business” is “the  
23 place where a corporation’s officers direct, control, and coordinate the corporation’s activities.”  
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1 *Hertz Corp. v. Friend*, 559 U.S. 77, 93 (2010). A corporation’s principal place of business is usually  
2 the singular location of the corporation’s main headquarters “from which the corporation radiates  
3 out to its constituent parts.” *Hertz Corp.*, 559 U.S. at 93. This “nerve center” test displaced the  
4 formerly utilized “business activities test” and does not take into consideration the places in which  
5 the corporation has a registered agent or conducts business. *Hertz*, 559 U.S. at 93.

6 10. Due to KS being a Nevada domestic corporation and Plaintiff being a Nevada  
7 resident, there is no longer the complete diversity of citizenship required under 28 U.S.C. 1332.  
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9 11. Based on these reasons, remand to the Second Judicial District Court of the State of  
10 Nevada in and for the County of Washoe is appropriate as it will have subject matter jurisdiction  
11 over this matter.

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1 DATED this 24<sup>th</sup> day of February, 2025.

2 LAXALT LAW GROUP, LTD.

3  
4 /s/ Steven E. Guinn

5 STEVEN E. GUINN, ESQ.

6 Nevada Bar #5341

9790 Gateway Drive Suite 200

Reno, Nevada 89521

7 (775) 322-1170

8 *Attorneys for Defendant*

*RCG-Sparks, LLC*

9 DATED this 24<sup>th</sup> day of February, 2025.

10 RANALLI, ZANIEL, FOWLER &

11 MORAN, LLC.

12  
13 /s/ David M. Zaniel

14 DAVID M. ZANIEL, ESQ.

15 Nevada Bar #7962

50 West Liberty Street, Suite 1050

16 Reno, Nevada 89501

(775) 786-4441

17 *Attorneys for Defendant*

*Knight Sweeping, Inc.*

DATED this 24<sup>th</sup> day of February, 2025.

ROBISON, SHARP, SULLIVAN &  
BRUST

4 /s/ Kent R. Robison

KENT R. ROBISON, ESQ.

Nevada Bar #1167

BRETT W. PILLING, ESQ.

Nevada Bar #15981

71 Washington Street

Reno, Nevada 89503

(775) 329-3151

*Attorneys for Plaintiff*

19 **ORDER**

20 Pursuant to the stipulation of the Parties, and good cause appearing, this matter shall be  
21 remanded back to the Second Judicial District Court of the State of Nevada in and for the County  
22 of Washoe (Case No. CV22-01739) for further adjudication.  
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24 **IT IS SO ORDERED.**

25 DATED this 24th day of February 2025.

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27 United States District Judge  
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